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Third report of the Secretary-General on the United Nations Integrated Office in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1791 (2007), by which the Council extended the mandate of the United Nations Integrated Office in Burundi (BINUB) and requested me to keep it regularly informed of progress in the implementation of the resolution. The report provides an update on major developments in Burundi since my previous report, of 23 November 2007 (S/2007/682), until 7 May.

II. Major developments

2. The overall political, security and humanitarian situation in Burundi deteriorated significantly during the reporting period. Large-scale hostilities resumed in April between the national security forces and Palipehutu-Forces nationales de libération (FNL), while renewed friction between political parties led to another political crisis, paralysing the work of Parliament and the broad-based Government appointed in November 2007. Additional causes for concern during the reporting period included population displacements as a consequence of the hostilities; continued widespread violations of human rights perpetrated by the national security forces; lack of progress on transitional justice; and possible food insecurity.

Peace process

3. Steps towards ending the stalemate in the peace process initially gained momentum early in 2008. The Political Directorate, established by the Facilitator, the South African Minister for Safety and Security, Charles Nqakula, began addressing political questions related to the implementation of the Comprehensive Ceasefire Agreement in January. The Political Directorate comprises my Executive Representative for Burundi; representatives of the Facilitation and the Regional Peace Initiative; the representatives of the African Union and the European Union, and the Ambassadors of South Africa and the United Republic of Tanzania to Burundi. The Government and FNL have also designated representatives to this body. On 15 January, the Facilitator presented the Political Directorate with proposals aimed at resuming the stalled peace process, which included clear timelines for the return of the FNL leadership to Burundi.

4. Under the auspices of the Government of the United Republic of Tanzania, the Facilitator met with the FNL Chairperson, Agathon Rwasa, in Dar es Salaam on 26 January. Following those discussions, Mr. Rwasa reaffirmed the commitment of FNL to the peace process and its readiness to work with the Facilitator. On 5 February, the Facilitator presented his proposals to the President of Uganda, Yoweri Kaguta Museveni, the President of the United Republic of Tanzania, Jakaya Mrisho Kikwete, and the President of South Africa, Thabo Mbeki; after that the Regional Initiative renewed the Facilitator's mandate until December 2008.

5. On 22 and 23 February, the South African Facilitation convened in Cape Town a meeting of regional and international bilateral and multilateral stakeholders to discuss the Burundi peace process. The meeting agreed on a common approach to support the conclusion of the peace process, on the basis of a road map of sequenced steps, entitled the Programme of Action to Take Further the Peace Process in Burundi. A Group of Special Envoys for Burundi was also established to support the work of the Facilitation and the Political Directorate.

6. The Programme of Action, comprising two phases, envisaged the implementation of the Comprehensive Ceasefire Agreement and the conclusion of the peace process by the end of 2008. The first phase entailed the conclusion of the disarmament and demobilization process following the return of FNL to the Joint Verification and Monitoring Mechanism by 1 April 2008, and the return of the FNL leadership to Burundi by 1 May 2008. The second phase envisaged the integration of FNL members into national institutions as well as their socio-economic reintegration at the community level, to be monitored by the Political Directorate.

7. The Programme of Action was endorsed by the Government of Burundi late in February and by FNL on 1 March, following a meeting with the Facilitator and the Political Directorate in Dar es Salaam. Mr. Rwasa thereby agreed to return to Bujumbura by 1 May.

8. On 16 March, the Political Directorate, the FNL leadership and Government representatives met and reaffirmed their commitment to the implementation of the Agreement of Principles of June 2006 and the Comprehensive Ceasefire Agreement of September 2006. Following technical negotiations, an agreement was concluded by FNL and the African Union on 17 March, which outlined the security and logistical arrangements to be provided by the African Union Special Task Force in Burundi to returning FNL members.

9. Despite these positive developments, FNL did not return to the Joint Verification and Monitoring Mechanism on 1 April as stipulated in the Programme of Action. FNL argued that the existing legal framework granting its members provisional immunity was not sufficient and that a new law, to be adopted by Parliament, was required as a precondition for their return. It may be recalled that the National Assembly had adopted a law on provisional immunity for the signatories of the Comprehensive Ceasefire Agreement in November 2006. It was followed by a presidential decree in December 2006, naming FNL as the beneficiary of that law. Public assurances given by the President on 11 March and at meetings with the Political Directorate, to the effect that the law and decree were still valid, did not convince FNL leaders. Following a meeting with the Political Directorate on 1 April, the Facilitator decided to consult with the leaders of the Regional Initiative and seek guidance on how to proceed in view of the decision of FNL not to return to the Joint Verification and Monitoring Mechanism.

10. On 17 April, FNL issued a communiqué stating that it reserved the right to defend itself should the Government attack its positions. Fighting broke out on the same day; FNL reportedly carried out attacks on positions of the Forces de défense nationale in the capital. Heavy machine gun fire and mortars were directed towards Bujumbura throughout the night and following day. The fighting between FNL and the national defence forces has continued to affect Bujumbura Rural, Bubanza, Kayanza and Cibitoke Provinces. During a mortar attack on 22 April, the Vatican Embassy sustained structural damage, but no injuries were reported.

11. Subsequent aerial bombings carried out by the national defence forces reportedly destroyed FNL bases north of Bujumbura and repelled further attacks on the capital. The security situation in Bujumbura and several of the affected provinces remains tense.

12. By 7 May, some 100 FNL combatants and 10 national defence forces soldiers were reportedly killed, with more wounded. Three Burundi national police officers were also reportedly killed. The number of civilian casualties remains unconfirmed but the fighting had led to the displacement of several thousand people by early May.

13. FNL rejected responsibility for the violence, blaming the Government for the attacks and underlining its commitment to the Comprehensive Ceasefire Agreement. On 21 April, FNL called for an end to the Government's military offensive, the provision of food aid to FNL combatants and the resumption of negotiations, which should include representatives of the Economic Community of Central African States.

14. For its part, the Government considered the attacks a deliberate breach of the ceasefire. On 18 April, it issued a communiqué accusing FNL of using the question of provisional immunity as a pretext for thwarting the peace process. The Government called on the international community to take the necessary measures in response to the violation of the Agreement by FNL, while asserting that it remained open to dialogue.

15. National actors and international stakeholders have also expressed serious concern over unconfirmed reports that FNL was receiving support from the Forces démocratiques de libération du Rwanda (FDLR).

16. On 24 April, 25 Members of Parliament addressed a letter to the President of the National Assembly, requesting that a plenary session of Parliament be convened to amend the existing provisional immunity laws in order to explicitly name the armed group. The plenary session was not held.

17. On 25 April, the President, Pierre Nkurunziza, delivered a public address during which he delineated the steps taken by the Government to provide provisional immunity to FNL. The President also assured the Burundians that all measures were being taken to ensure their security.

18. The resumption of hostilities has been unanimously condemned by regional leaders. On 30 April, President Museveni of Uganda and President Kikwete of the United Republic of Tanzania met in Kampala, in their respective capacities as Chair and Vice-Chair of the Regional Peace Initiative, to discuss the situation in Burundi. The Ministers for Foreign Affairs of South Africa, Uganda and the United Republic of Tanzania and the Facilitator met in Arusha on 4 and 5 May with an FNL

delegation led by Agathon Rwasa, to convey decisions taken by Presidents Museveni and Kikwete during their meeting in Kampala. FNL was reportedly advised that it should resume its participation in the work of the Joint Verification and Monitoring Mechanism and the Political Directorate within 10 days. The Ministers also confirmed their understanding that the provisional immunity granted to the group in 2006 remained valid.

19. On 5 May, the FNL spokesperson protested that the Ministers had issued a series of ultimatums, with no space for discussions. The FRODEBU, UPRONA and CNDD (Nyangoma) parties expressed concern that the ultimatums might lead to the possible escalation of the conflict. However, on 6 May, in a letter to the Tanzanian Foreign Minister, FNL indicated its intention to return to the Joint Verification and Monitoring Mechanism and the Political Directorate within the specified time frames. FNL also requested protection from Tanzanian troops as part of the African Union Special Task Force upon their return to Burundi.

Security situation

20. The security situation in Burundi was progressively deteriorating prior to the resumption of large-scale hostilities described above. Increased armed attacks on civilians, targeted attacks against provincial government officials, and a considerable rise in criminal activities throughout the national territory were recorded during that period.

21. Bujumbura was particularly affected by the increased banditry. The significant rise in crime captured national attention and prompted various stakeholders to appeal to the Government to address the situation. The President and the ruling party issued statements in February, attributing the sharp increase in criminal incidents to FNL.

22. On 24 March, President Nkurunziza publicly acknowledged the deteriorating security situation and requested that national security elements involved in crimes and human rights violations be prosecuted. On 10 April, prior to the resumption of major hostilities, the First Vice-President launched a series of workshops with provincial officials on practical ways to improve security.

23. As at 7 May, United Nations personnel and facilities have neither been targeted nor directly affected by the ongoing fighting. However, several United Nations personnel and staff of international non-governmental organizations have been victims of the rising criminality. On 31 December 2007, an international staff member of the non-governmental organization Action contre la Faim was killed in an ambush in Ruyigi Province.

24. A group of individuals claiming to be former national staff of the United Nations Operation in Burundi (ONUB) seeking additional compensation or re-employment began threatening United Nations staff and property. On 26 March, a BINUB vehicle was damaged in an attack by this group. BINUB seized the relevant national authorities of the incident.

25. In view of the deteriorating security situation, the United Nations security phase III was extended to the whole country in January. On 6 May, phase IV entered into effect in Bujumbura Rural and Bubanza in response to sustained armed confrontations between Government forces and FNL in those provinces. A

suspension of United Nations missions to and within Burundi was enforced between 18 April and 1 May.

Political developments

26. The internal political situation witnessed major setbacks during the reporting period. In December 2007, the Parliament adopted the 2008 national budget. However, the National Assembly relapsed into inaction in January with the disagreement over the need to establish a special parliamentary commission on the implementation of the Comprehensive Ceasefire Agreement.

27. The political consensus, which led to the formation of a broad-based Government in November 2007, has faced challenges. In the following weeks, the Front pour la démocratie au Burundi (FRODEBU) repeatedly contested the distribution of responsibilities among the members of the new Government, in particular between ministers and vice-ministers.

28. On 26 January, the ruling Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD-FDD) party held its fourth Congress. The Congress endorsed the exclusion of several party members, including Alice Nzomukunda, the former First Vice-President of the National Assembly, and Denise Sinankwa, the former Minister of Finance. The two were reportedly excluded for not respecting the party line.

29. At the beginning of the parliamentary plenary session in February, CNDD-FDD demanded that Ms. Nzomukunda be removed from the Bureau of the National Assembly since she had been excluded from the party. FRODEBU denounced the lack of consultation and stated that her removal would be a violation of National Assembly rules and regulations. The stance of FRODEBU was backed by other members of the de facto opposition, comprising the Union pour le progrès national (UPRONA), CNDD-Nyangoma and pro-Radjabu CNDD-FDD parliamentarians. On 21 February, FRODEBU decided to suspend its participation in plenary sessions until further discussions were held between its parliamentary group and the President of the National Assembly. On 6 March, the National Assembly elected a member of CNDD-FDD, Irene Inankuyo, as First Vice-President of the National Assembly with the support of some members of the de facto opposition. The FRODEBU and UPRONA parties reacted by suspending their defecting members.

30. I have received an open letter, dated 28 February, from 46 parliamentarians from the FRODEBU, CNDD (Nyangoma) and CNDD-FDD parties. The parliamentarians requested political and security assistance in the light of what they perceived to be credible threats to their lives from alleged militias established by the national security services. Among the signatories to the letter were the recently excluded former First Vice-President of the National Assembly and the former Minister of Finance.

31. On 8 March, simultaneous grenade attacks targeted the residences of four signatories of that letter, including the former First Vice-President of the National Assembly. The attacks caused material damage but no individuals were harmed. The Government condemned the attacks, and announced that four suspects had been detained and that a special commission to investigate the incident had been established. I strongly denounced the attacks, as did many national and international stakeholders. In addition, my Executive Representative in Burundi conveyed my

concerns to the Government, and encouraged it to investigate any credible security threats and ensure the safety and security of all its citizens.

32. On 2 April, the Burundian Supreme Court sentenced the former Chairman of CNDD-FDD, Hussein Radjabu, to 13 years of imprisonment for threatening State security and slandering the Head of State. Two of his co-accused received the same sentence while others were sentenced to 10 years and one was acquitted. Mr. Radjabu's lawyer, who has challenged the independence of the judiciary during the trial, indicated his intention to appeal the Court's ruling.

33. The work of the National Assembly remained paralysed throughout the parliamentary session that concluded on 30 April. Consequently, some 20 laws submitted to the National Assembly during that session were neither discussed nor adopted.

Regional developments

34. During the reporting period, two meetings of the Tripartite Plus Commission were convened, during which the FNL question was discussed. On 5 December 2007, a Tripartite Plus meeting in Addis Ababa condemned the "repeated ceasefire violations by FNL and its stubborn and unjustified refusal to resume its participation in the Joint Verification and Monitoring Mechanism". Participants also agreed on a number of sanctions should the armed group not resume its participation in the Mechanism by 31 December 2007, including a travel ban and freezing of assets. However, the Tripartite Plus meeting on 25 and 26 March in Bujumbura decided to remove FNL from the list of negative forces in the light of its then expected return to the Joint Verification and Monitoring Mechanism on 1 April. During a technical-level meeting between some members of the Tripartite Plus Commission in Bujumbura on 22 April, participants reportedly condemned the resumption of violence and agreed to meet again in Kigali on 20 June.

35. On 3 and 4 March, the Executive Secretariat of the International Conference on the Great Lakes Region held the second meeting of parliamentarians of the Great Lakes region in Bujumbura, during which it was decided to formalize the establishment of a regional forum of parliamentarians before the next Summit in November. From 25 to 28 March, the Executive Secretariat organized in Bujumbura a regional workshop on the integration of gender in the implementation of the Pact on Security, Stability and Development in the Great Lakes Region. In April, the Conference secretariat launched a series of planning workshops in the region to review the Pact's programmes of action and protocols, and to develop road maps for implementation.

III. Activities related to the Peacebuilding Commission

36. The Peacebuilding Commission continued to support the peace consolidation process in Burundi. The Chairman of the Burundi configuration of the Peacebuilding Commission was among the participants in the meeting of Special Envoys held at Cape Town in February, and the Commission on 20 March adopted conclusions and recommendations on the peace process (see PBC/2/BDI/7).

37. On 5 December 2007, the Government and the Commission adopted a Monitoring and Tracking Mechanism (see PBC/2/BDI/4) to facilitate regular

reviews of the Strategic Framework for Peacebuilding in Burundi and for monitoring progress towards achieving the identified peacebuilding benchmarks.

38. In February, the Burundi configuration of the Commission agreed to an annual workplan focusing on fulfilling its engagements, as reflected in the Strategic Framework and in the Monitoring and Tracking Mechanism, and on monitoring the peacebuilding process and providing advice to relevant stakeholders.

39. On 25 January, President Nkurunziza launched the Partners' Coordination Group, the overall framework in which the Government and national and international partners can jointly assess the implementation of the poverty reduction strategy paper and the Strategic Framework. In March, work began on the establishment of the Monitoring and Tracking Mechanism and the first progress report on the implementation of the Strategic Framework is expected by the end of May.

40. As at 7 May, the Joint Steering Committee for Peacebuilding, comprising representatives of the Government, BINUB, civil society and international partners, approved 17 projects totalling $33.795 million out of the $35 million allocated from the Peacebuilding Fund. The projects cover the four priority areas endorsed by the Commission in December 2006. These include five good governance projects, five projects in the area of security sector reform, four projects supporting human rights, justice and transitional justice, and three projects supporting the peaceful resolution of land disputes and community recovery. Several projects were officially launched by President Nkurunziza in January and February.

41. As a result of the resumption of large-scale hostilities, the Peacebuilding Commission postponed a high-level mission to Burundi which was envisaged to take place from 19 to 24 April. This visit is expected to take place in May.

IV. Peace consolidation challenges

Democratic governance

42. Efforts to enhance democratic governance continued during the reporting period, despite the significant deterioration in the political and security situation. BINUB initiated a number of activities to help improve governance, including supporting the promotion of dialogue between national actors, the establishment of an anti-corruption court, reform of the public administration and decentralization.

43. On 18 February, President Nkurunziza and my Executive Representative launched a project funded by the Peacebuilding Fund aimed at gradually integrating a democratic culture into national institutions through dialogue. The first forum of this project was launched two months later, on 17 April. The purpose of the forum was to secure ownership of the project by the main stakeholders, validate the methodology to be used for facilitating dialogue, and establish a high-level national committee for monitoring and evaluation. Over 150 elected officials and representatives of political parties, civil society and the media attended, including four former Burundian presidents.

44. In November and December 2007, the Government recovered some 100 million Burundian francs that had been embezzled by various individuals. A Peacebuilding Fund project was initiated during the reporting period aimed at

supporting the Government's efforts to combat corruption and improve economic governance. Through this project, training was provided to personnel from the national anti-corruption court and "anti-corruption brigade", on public tender procedures, judicial provisions sanctioning corruption, and the misuse of public funds and equipment.

45. BINUB also worked with national authorities to compile and edit the legal framework governing the decentralization process. The objective was to provide local Government officials with easily accessible reference documentation that will increase their efficiency and the delivery of public services to the population.

46. The Joint Steering Committee for Peacebuilding adopted a $3 million Peacebuilding Fund project aimed at improving the quality of public services at the local level. As part of the efforts to support the Government in developing a comprehensive reform plan for public institutions, BINUB undertook a country-wide baseline study on standard procedures, obstacles and delays in the delivery of some of the most common public services. These include civil registration, land ownership acts and national identification papers. Preliminary results show that public administration processes are usually cumbersome. As a result, users have to endure undue delays and expenses, and face difficulties accessing public services.

Media

47. Tensions have flared between the Government and some members of the media following media reports alleging that the Government had established a militia to physically eliminate political opponents. In reaction, President Nkurunziza and the President of CNDD-FDD accused the media of using divisive tactics and reporting unsubstantiated information.

48. BINUB continued activities aimed at building the capacity of the national media, including the provision of training in deontology, investigative journalism and communication techniques.

Security sector reform and disarmament, demobilization and reintegration

49. Comprehensive reform of the security sector, on the basis of a coherent national strategy and plan, is critical for the consolidation of peace and security in Burundi. To date, the United Nations has played an important role in supporting national efforts in security sector reform. However, progress has yet to be made towards the reform of the security sector and much more remains to be done to attain the benchmarks outlined in the Secretary-General's report (S/2006/429/Add.1).

50. In December 2007, the Government reportedly indicated its intention to integrate existing security sector reform plans under one comprehensive security sector reform strategy. In this regard, it is understood that the Government is initiating work on the legal framework for the creation of a national security council as provided for in the Constitution. Once established, it is expected that the National Security Council would be the national entity responsible for the development of the comprehensive security sector reform plan. BINUB will continue to support initiatives aimed at developing and implementing a comprehensive security sector reform plan.

51. BINUB and the Government launched a Peacebuilding Fund project for the rehabilitation of 14 national defence force barracks during the reporting period.

Expected to be completed by November, this project aims at removing national defence force members from heavily populated areas, thereby reducing frictions. Another Peacebuilding Fund project launched during this period will improve the operational capacity of the national police and the national intelligence services by providing equipment and training. BINUB is also providing training to national police officers in police investigations techniques, and is working with the police for the development of internal control and accountability mechanisms.

52. The census of national defence force and police personnel, funded by the World Bank and the Government of the Netherlands respectively, is ongoing. An estimated 25,430 elements have been demobilized since December 2004 as a result of the downsizing exercise conducted through the World Bank Multi-country Demobilization and Reintegration Programme and the national demobilization, reinsertion and reintegration programme. Some 5,000 security personnel remain to be demobilized in order to reach the agreed figures of 25,000 for the national defence forces and 15,000 for the national police by the new target date of December 2008.

53. During the reporting period, some 900 members of the national defence forces, concerned about shortcomings in the reintegration process for former combatants, initially refused compulsory demobilization, thereby delaying the process. BINUB, together with the Multi-country Demobilization and Reintegration Programme and other international stakeholders, is working with the Government on a new reintegration strategy, in particular by creating comprehensive and sustainable economic opportunities at the community level in addition to those currently offered by the Programme. It is expected that this strategy will enable the authorities to continue the downsizing process while providing some tangible assurances to the demobilized combatants in the medium to long term.

54. In the meantime, the African Union Special Task Force has also carried out the registration of 2,740 alleged FNL dissidents. These alleged dissidents are not recognized as signatories to the Comprehensive Ceasefire Agreement and therefore were deemed ineligible for demobilization benefits under the framework of the Agreement. In December 2007, the Government relocated some 1,200 of the alleged FNL dissidents gathered in Cibitoke Province following protests by the local population and parliamentarians from that area. The Government and the African Union Special Task Force continue to provide protection at the alleged dissidents' sites, the latter supplying them with food.

55. The caseload has been referred to the Government, which has written to the Multi-country Demobilization and Reintegration Programme requesting that funding be made available to cover this group of combatants. At the same time, arrangements are in place for the disarmament, demobilization and reintegration of FNL combatants once the process moves forward.

56. Since January, the Facilitation, the African Union, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration, BINUB and UNICEF have been meeting with representatives of the alleged dissidents to discuss the release of children from the group. On 31 March, a technical coordination committee composed of BINUB, UNICEF and the Multi-country Demobilization and Reintegration Programme was established to work closely with the National Commission to prepare an action plan for the children's separation and reintegration into their families and communities. Consequently, on

25 April, a total of 238 children were successfully separated from adult combatants at the Buramata and Randa sites and transported to the Gitega demobilization centre.

Small arms

57. No progress was achieved during the reporting period towards the implementation of the civilian disarmament programme under the National Technical Commission on Civil Disarmament. The national police carried out arbitrary weapons collections through random house searches in the reporting period. While accurate information on the numbers and locations of weapons collected is not available, there is also no evidence to support initial allegations that the campaign targeted one ethnic group.

58. The destruction of obsolete weapons and mines under Government control has resumed and is making progress. With the assistance of BINUB, the national defence forces successfully disposed of 1,697 rifles and 29 mortars in January. A total of 130 small arms were also destroyed during the celebration on 15 March of the eighth anniversary of the Nairobi Declaration and Protocol.

59. BINUB will provide technical assistance, equipment and training in arms tracing and storage, computer networks and relevant software to the national defence forces to complement a project funded by the United States in support of the Government's efforts to rehabilitate Burundi's military stockpiling infrastructure.

60. By March 2008, 92 per cent of Burundian terrain suspected of having explosive residues had been cleared as a result of the operations of the Burundian Mine Action Coordination Centre. In addition, 664 anti-personnel mines, comprising the entire stock of the national defence forces, were destroyed on 17 March. This brought Burundi into compliance with articles 4 and 5 of the Ottawa Convention against the use, storage, production and transfer of anti-personnel mines.

Human rights

61. The human rights situation in the country remains a source of deep concern. While the numbers of violations committed by the national defence forces remained at the same level, those committed by the police further escalated and new cases of torture and summary executions were attributed to the national intelligence services. A significant number of politically motivated human rights violations and some targeted assassinations were also reported, particularly from January to mid-February.

62. In a welcome development in December 2007, 20 police officers were dismissed by presidential decree, and several defence force staff were prosecuted and sentenced for human rights violations. However, the President's commitment and that of his Government to stem impunity and to punish national security personnel for human rights abuses has, in some cases, yet to be translated into concrete action. There has been no significant progress in bringing to justice those accused of carrying out the Gatumba and Muyinga massacres of 2004 and 2006, respectively. The main suspect in the Muyinga case fled Burundi during the reporting period. A second suspect in the same case, an official of the intelligence services who had been transferred, has since been redeployed back to Muyinga.

63. Sexual violence against women and children remains widespread. A significant increase in the incidence of rape has been recorded since the beginning of 2008. BINUB supported several activities to raise awareness throughout the country, including a 16-day countrywide awareness campaign on violence against women and girls, which was conducted from 25 November to 10 December 2007. BINUB, in collaboration with the United Nations Population Fund (UNFPA) and UNICEF, is also preparing a survey on the fight against sexual violence to facilitate the drafting of a joint subregional strategy, taking into account the social, political, and cultural context of the partner countries.

64. BINUB continued to monitor the human rights situation across the country and met regularly with national and local authorities to follow up on human rights violations. BINUB also conducted numerous awareness-raising and capacity-building activities for representatives of the Government, national security forces, media, civil society and the population. In close collaboration with the Government, BINUB started a one-year sensitization campaign on 10 December 2007 to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights.

65. Since the validation by the relevant national stakeholders of the draft law on the National Independent Human Rights Commission in November 2007, the follow-up technical committee adopted its workplan and budget on 25 February, both prepared with the assistance of BINUB. However, the paralysis in the National Assembly since January has prevented the consideration or adoption of the law for the establishment of the National Independent Human Rights Commission.

Justice sector reform

66. With the support of BINUB, concrete steps forward were taken in the justice reform sector during the reporting period. A key achievement was the validation of the draft law on the reform of the code of criminal procedure during a workshop involving all relevant stakeholders on 13 December 2007. However, the National Assembly's paralysis has thus far prevented the adoption of the law.

67. In February, BINUB and the Government commenced the implementation of a Peacebuilding Fund project for the rehabilitation of the judicial system at the local level, including the construction and renovation of 17 magistrate's courts. This project is expected to be completed by the end of the year. The first phase of a second project on the enforcement of judgements was completed in February with the training of over 520 magistrates, clerks and bailiffs engaged in enforcing judgements and rulings at the provincial level, some of which have been pending since 1994.

68. With a view to tackling overcrowding in prisons, the General Directorate of Penitentiary Affairs, in collaboration with BINUB, carried out a survey from 27 November to 8 December 2007 aimed at cataloguing and analysing judicial and penitentiary files in 11 jails throughout the country. The survey confirmed that convicted inmates made up 30 per cent of the total and pretrial inmates 70 per cent and that this was mainly due to deficiencies in the interactions between prison administration and judicial authorities. On 21 March, BINUB, in collaboration with the General Directorate and the General Prosecutor's Office, organized a workshop with both court magistrates and prison personnel to enhance their coordination and communication.

69. Approximately 500 children cohabit with adults in police detention facilities and prisons owing to Burundi's lack of a juvenile justice system, a contradiction of international human rights standards. The Juvenile Justice Platform, comprising BINUB, UNICEF and national and international non-governmental organizations, is advocating for the adoption of a law for the protection of children. In parallel, BINUB is implementing a pilot project on juvenile justice in three northern provinces. All relevant stakeholders in those provinces have now received training on international standards regarding juvenile justice. A concrete dividend of this project was the release of 21 juveniles from prison by the end of December 2007, following the processing of their cases.

70. BINUB is also assisting in strengthening the capacity of the Burundian Bar Association, including by supporting the establishment of its secretariat, coordinating the planning for a comprehensive legal aid system and launching regular debates among its members on timely legal topics.

Transitional justice

71. No progress was achieved towards the establishment of the transitional justice mechanisms. Since its establishment on 2 November 2007, the Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms has developed a Peacebuilding Fund project for the financing of national consultations, which was approved by the Joint Steering Committee for Peacebuilding on 13 March. The substantive work of the Tripartite Steering Committee was however limited, affected by several difficulties, mainly as a result of internal contradictions among some of its members. Civil society groups appear divided over the methodology for the national consultations on transitional justice mechanisms and have expressed concerns with their representatives in the Committee.

72. Moreover, the office of the President has recently initiated steps to take a disproportionate leading role in the Tripartite Steering Committee, which is perceived as inconsistent with the letter and spirit of the Framework Agreement governing its operation. As a consequence, the national consultation process, initially slated to start in April and end in July 2009, has now been delayed. Meanwhile, BINUB continued activities to sensitize civil society and religious leaders throughout the country on transitional justice issues and the national consultations.

Child protection

73. The overall situation with regard to child protection has improved during the reporting period. Grave violations of children's rights however, continue to be reported, as well as many cases of sexual violence. BINUB and UNICEF continue to carry out capacity-building, as well as monitoring activities through the country monitoring and reporting task force, which comprises BINUB, United Nations agencies, and national and international non-governmental organizations.

74. The Government has adopted a national action plan to assist the 800,000 orphans and vulnerable children in Burundi. UNICEF, through its partners, is providing financial and technical assistance to some of the activities. Moreover, UNICEF, among others, is providing assistance to street children, aimed at family reunification as well as facilitating the socio-economic reintegration of children into their families.

75. More than 200 Burundian children expelled from the United Republic of Tanzania received protection, psychosocial support, material and medical assistance in the framework of an agreement between BINUB, the World Health Organization, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNICEF and the Government of Burundi.

Gender

76. In accordance with resolution 1325 (2000), BINUB continued its monitoring and training activities on women's protection, rights and specific needs, as well as in the promotion of women's participation in peacebuilding activities in Burundi. In January, the BINUB gender thematic group, comprising the gender focal points of all United Nations agencies, drafted an action plan to ensure the mainstreaming of gender into Burundi's peacebuilding agenda. Gender mainstreaming and the strengthening of the women's component were also reinforced in all Peacebuilding Fund projects. BINUB also works closely with local women groups, including the Women-for-Peace Network.

77. BINUB also continued to support Government activities for the promotion of gender equality and the fight against gender-based violence. A recently launched Peacebuilding Fund project on strengthening the role of women in reconciliation and community recovery is working to establish a specialized police unit to deal with gender-based violence and the protection of children. To this end, three sensitization seminars for 50 senior national police officers and 80 police station chiefs were conducted in March.

Humanitarian situation

78. In addition to the displacements caused by the resumption of large-scale hostilities, Burundi continues to suffer from structural poverty and stagnating development standards. Possible food insecurity is also a concern. Climatic factors and the lack of seeds continue to affect harvests, a problem that is further compounded by the significant increase in prices for basic commodities and seeds. On 17 March, the World Food Programme (WFP) launched an appeal for $6 million to address the needs of some 90,000 Burundian refugees, mostly women and children, returning from the United Republic of Tanzania. WFP anticipates major shortages in supplies of all its regular food commodities in the second half of 2008.

79. Some progress has been achieved in refugee returns and community recovery. UNHCR launched an additional appeal for $34,292,586 to assist 218,000 Burundian refugees living in three designated old settlements in the western United Republic of Tanzania, namely Ulyankulu, Katumba and Mishamo. Assistance to those refugees, who had fled Burundi in 1972, will be provided through the voluntary repatriation to Burundi of the up to 46,000 people who have expressed the wish to return, and naturalization and full social and economic integration of the 172,000 persons who want to remain in the United Republic of Tanzania. The first convoy of 262 refugees from the settlements arrived in Burundi on 10 March.

80. In February, the Burundian Minister of National Solidarity, the Tanzanian Minister for Home Affairs and UNHCR representatives for Burundi and the United Republic of Tanzania undertook a joint mission to the refugee camps and old settlements in the United Republic of Tanzania. The Tanzanian Minister confirmed that his Government intended to close the Lukole and Nduta refugee camps and

maintain only the third camp, Mtabila, beyond June. Since November 2007, a total of 13,847 Burundian refugees have returned, 7,004 of them in 2008. Increasing numbers of refugees from Lukole are returning in anticipation of the camp's closure in June. As a result, the number of returnees has significantly increased compared to the same period in 2007.

81. In February, the European Commission Humanitarian Aid Office (ECHO) approved €26 million to assist the operations of the United Nations and international non-governmental organizations in the United Republic of Tanzania and Burundi aimed at reintegrating Burundian and Congolese refugees into their communities or resettling within the United Republic of Tanzania. The funds will provide humanitarian assistance towards the repatriation and reintegration of Burundian refugees and expelled persons from the United Republic of Tanzania.

Economic situation

82. The 2008 national budget, amounting to US$ 433 million, was adopted in Parliament in December 2007. This represents a 12.6 per cent increase over the 2007 budget, with a deficit of $32.7 million, as compared to a deficit of $14.7 million in the previous budget.

83. The real growth in GDP in 2007 is estimated to have slowed down to 3.6 per cent and did not reach the 5.5 per cent forecast for that year. This resulted to some extent from a decline in coffee production due to drought. For 2008, the International Monetary Fund (IMF) has forecast a 6 per cent economic growth and a single-digit inflation rate. In January, IMF completed its sixth and final review under the Poverty Reduction and Growth Facility arrangement. The completion of the review makes possible the disbursement of $11.4 million, which is the total amount envisaged under the arrangement.

84. During the reporting period, a significant increase in food and fuel prices contributed to rising living costs and inflationary pressure. The implementation of the 34 per cent salary increase for civil servants announced by the Government in January, following trade union strikes in November and December 2007, was largely offset by the price increases. The impact of rising global food prices is expected to further exacerbate the situation in Burundi. In an environment where alternative employment opportunities are scarce, 90 per cent of the population depend exclusively on subsistence farming, which does not fully sustain them. Almost half of the population needs to supplement food from the market and half of the population have an inadequate food intake.

V. Observations

85. The recent rapid relapse into violent conflict is alarming evidence of the extreme fragility of the situation in Burundi. The ongoing armed clashes between Government forces and FNL combatants are strongly condemned. Nothing justifies the loss of innocent lives resulting from this fighting. Unless the implementation of the Comprehensive Ceasefire Agreement is put back on track, the new cycle of violence could undo all the gains painstakingly made by the people of Burundi since the signing of the Arusha Agreement eight years ago. The resumed fighting and the ongoing political instability in Burundi are also raising credible serious concerns among national and international stakeholders about possible spillover into

neighbouring countries. Cross-border activity on the part of armed groups has implications for the whole Great Lakes region.

86. The Government and the FNL leadership share the primary responsibility, and the opportunity, to finally put an end to more than a decade of violent conflict in Burundi. I call on both parties to immediately cease hostilities and to begin dialogue as a first step towards the resumption of the peace process. In accordance with the commitments it made to the Regional Initiative leaders on 6 May, FNL must not only return to Burundi, as it has stated, but effectively participate in the work of the Joint Verification and Monitoring Mechanism and the Political Directorate without preconditions. The Government is urged to give the implementation of the Comprehensive Ceasefire Agreement the priority it deserves and to spare no effort to reach mutually acceptable solutions on the issues that have hindered its implementation. Both parties are strongly encouraged to strictly adhere to the provisions of the Programme of Action which they had both endorsed.

87. The international community has been deeply engaged in supporting Burundi's efforts towards peace through a variety of mutually reinforcing mechanisms. This active engagement remains essential. The Regional Peace Initiative and the South African Facilitation are the guarantors of the Burundi peace process. I appreciate and fully support their efforts. The personal involvement of President Museveni and President Kikwete, as Chair and Vice-Chair respectively of the Regional Peace Initiative, remains essential in helping the parties to overcome major obstacles and taking the peace process further. I commend the initiatives emerging from their meeting in Kampala on 30 April and urge them to remain closely engaged.

88. The Political Directorate also has a critical role to play in helping to address the political and socio-economic dimensions of the implementation of the Programme of Action. It should be strengthened and its modalities of work reviewed to ensure constant engagement with and between the parties. The establishment last February of the Group of Special Envoys for Burundi was a welcome development, to ensure a coherent common international approach in accompanying the peace process, and to advise and support the Facilitation and the Political Directorate.

89. In the event of further delays in the implementation of the Programme of Action, the Security Council should consider additional measures to be taken in close consultation with the Regional Peace Initiative, the African Union, and other regional mechanisms. As a precautionary measure, and in accordance with paragraph 4 of resolution 1719 (2006), I have requested BINUB and the United Nations Organization Mission in the Democratic Republic of the Congo to undertake contingency planning should the situation in Burundi deteriorate further. I intend to revert to the Security Council with specific recommendations in this regard if developments on the ground so require.

90. Successful national elections in 2005, the signing of the Comprehensive Ceasefire Agreement with FNL and the withdrawal of ONUB in 2006 at the Government's request may have created the impression that Burundi was well on the path to normalcy. However, and as I have indicated in all my previous reports, the situation is still very fragile and the peace consolidation challenges facing the country are enormous. Major governance, security, reconstruction and socio-economic challenges remain to be addressed. A failure by political actors to overcome partisan interests has resulted in political deadlock and inertia, paralysing Parliament and other key institutions.

91. The broad-based Government established last November has not created the expected positive political momentum needed to push forward the governance reform agenda and bring about recovery and development in Burundi. The recurrent internal political crises have significantly diminished the outputs of both the executive and legislative branches over the past year. All political parties represented in Parliament are reminded in this regard of their obligations to those who have elected them, and to the country as a whole. A new, urgent effort on the part of Burundi's political leaders is needed to engage in genuine dialogue to overcome their differences and focus on the much-delayed legislative agenda.

92. Threats and acts of intimidation against political actors are reprehensible under any circumstances. In this regard, the Government's stated commitment to protect all Burundian citizens regardless of their political affiliation is welcome and must be implemented in a credible and equitable manner.

93. I remain deeply concerned by repeated and widespread human rights abuses committed by elements of the national security services. President Nkurunziza's recent commitment to bring to justice all uniformed personnel involved in such abuses is encouraging. I also welcome the authorities' renewed commitment to fight impunity and urge the Government to translate these commitments into further concrete actions. As a first step, it should make public the report on the Gatumba massacre and step up efforts to bring to justice those accused in the Muyinga massacre. Ending impunity for those guilty of sexual violence and other egregious human rights violations against women and children deserves the highest priority. At the same time, I would like to commend the Government and its partners for the successful separation of 238 children from alleged FNL dissident sites. I encourage the continued efforts to ensure the release of all affected children who may be associated with armed groups.

94. The Peacebuilding Commission's engagement in Burundi provides valuable support to efforts at promoting stability in Burundi. The Monitoring and Tracking Mechanism adopted in December marked another step towards strengthening the relationship between Burundi and the Commission. I urge the Commission to maintain its constructive engagement with Burundi and help energize the international community to provide the necessary resources for critical gaps faced.

95. In addition to implementing the Comprehensive Ceasefire Agreement and overcoming the current political impasse, other causes and potential triggers of insecurity in Burundi need to be urgently addressed. Although the disarmament and demobilization of former combatants has progressed, reintegration efforts remain insufficient. In an environment characterized by abject poverty, high unemployment, and sharply rising fuel and food prices, former combatants are likely to turn to violent crime or join armed elements. I am especially concerned by the potentially destabilizing effect on Burundi of the international food crisis. I urge the Government and its international partners to speed up efforts aimed at putting into place preventive strategies to mitigate the effects of this global crisis.

96. The difficulties faced within the Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms, particularly the Burundian members' non-compliance with the framework agreement governing its work, is also a cause for major concern. Corrective actions are needed to permit the Committee to credibly implement its mandate. I intend to revert shortly to the Security Council with a separate report on the implementation of resolution 1606

(2005), including recommendations in the light of developments on the United Nations future role in support of transitional justice in Burundi.

97. Since November 2007, BINUB has been playing an active political and technical role within the framework of the Political Directorate in support of the peace process. As indicated in the present report, BINUB has also embarked in earnest on the implementation of Peacebuilding Fund projects. It is my hope that these projects will in time provide the needed peace dividends and thus mitigate some of the negative impact of the serious setbacks and the lingering deficits outlined above.

98. Progress towards achieving the benchmarks outlined in the Secretary-General's report (S/2006/429/Add.1) continues to be hindered, largely as a result of the significant deterioration in the political and security situation. The role of BINUB in support of efforts to create an environment conducive to durable peace and sustainable development therefore remains critical.

99. I would like to express my sincere gratitude to all BINUB personnel, who, under the leadership of my Executive Representative for Burundi, Youssef Mahmoud, have continued to work tirelessly for the cause of peace in Burundi, often under very difficult circumstances. My appreciation also goes to all United Nations personnel, non-governmental organizations, and bilateral and multilateral partners, for their steadfast commitment and generous contributions to Burundi.